

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MARTINEK GRAIN & BINS, INC.,

*Plaintiff,*

v.

LEXINGTON INSURANCE  
COMPANY, ET AL.,

*Defendants.*

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Case No. 4:12cv112  
(Judge Clark/Judge Mazzant)

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 10, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's First Amended Motion to Remand [Doc. #10] be granted and the case remanded to the 59th District Court of Grayson County, Texas.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Plaintiff's First Amended Motion to Remand [Doc. #10] is granted, and this case is remanded to the 59th District Court of Grayson County, Texas.

All motions by either party not previously ruled on are hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So **ORDERED** and **SIGNED** this **12** day of **August, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge